

REMARKS

I. INTERVIEW SUMMARY

Applicants express their appreciation to the Examiner for granting a telephone interview on June 29, 2007, to Applicants' undersigned Counsel. Applicants proposed the amendments reflected in the attached set of claims. The Examiner indicated that the amendments are likely to place all claims in condition for allowance.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

A. Enablement

Claims 1-11, 14, 17, 24, 27, 30-45 are rejected under 35 U.S.C. § 112, first paragraph, because, allegedly the full scope of claims is not reasonably enabled by the specification. Applicants continue to maintain that their specification satisfied the enablement requirement for the full scope of claims prior to their amendment herein, for all the reasons set forth in Applicants' Response filed on February 23, 2007, incorporated herein by reference.

Nonetheless, in the interest of expediting prosecution, Applicants amended claims 1 and 30, the two independent claims, and thus all the remaining dependent claims, in this rejection. The amended claims continue to be enabled.

B. Written Description

Claims 6 and 35 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. It was stated in the Office Action that claims 6 and 35 contain subject matter not described in the specification in such a way as to reasonably convey to a person skilled in the relevant art that the inventors had possession of the claimed subject matter when the application was filed. This rejection was premised on the assertion that the specification has not defined the term "derivative" in those claims.

Again, Applicants respectfully submit that claims 6 and 35, prior to their amendment herein, satisfied the written description requirement, for the reasons set forth in the response filed on February 23, 2007, which reasons are also incorporated herein by reference.

In the interest of expediting prosecution, Applicants amended their claims 6 and 35 as set forth above. The specification, considered as a whole, continues to provide written description for these claims.

C. Definiteness

Claims 5 and 34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection was based on the assertion that the term “derived” in the recitation “derived from a lactic acid bacterium” is non-specific and relative in nature and it is not defined by Applicants.

Applicants also respectfully traverse this assertion for all of the reasons detailed in the February 23, 2007 response, incorporated herein by reference.

Again, to expedite prosecution, Applicants amendment claims 5 and 34 to recite “obtained” instead of “derived”. The amended claims, supported by the specification considered as a whole, are definite.

REQUEST FOR ALLOWANCE

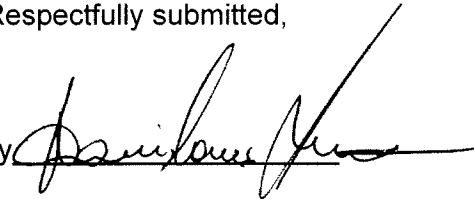
For the reasons set forth above, Applicants respectfully submit that all claims are in condition for allowance. In the event any outstanding issues remain, Applicants would appreciate the courtesy of a telephone call to the undersigned Counsel to resolve such issues in an expeditious manner, and place the application in condition for allowance.

It is believed that no additional fees are due. However, in the event that any other fees are necessary, including extension of time fees, the Director is hereby authorized to charge such fees or **credit or overpayment** to our deposit account number 50-2478.

Respectfully submitted,

Date: July 18, 2007

By

A handwritten signature in black ink, appearing to read 'Stanislaus Aksman', written over a horizontal line.

Stanislaus Aksman
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